

Appl. No. 10/616,657

Election/Restriction Response / Amendment dated July 8, 2005

Reply to Office Action, dated June 17, 2005

Remarks/Arguments

a. Claims 1-22 are pending and are subject to restriction and/or election requirement per the above referenced June 17, 2005 Office Action. The Application has been objected to for lack of a Summary section that according to the US PTO guidelines should be included and the Examiner is of the opinion that "Bluetooth" should be treated in accordance with a trademark.

In view of the amendments to the specification and comments below, Applicant respectfully requests that the Examiner reconsider the present application and withdraw the objection to the specification. Applicant further respectfully requests, in view of the comments below that the Examiner reconsider claims 1-22 and withdraw the restriction of these claims.

b. Applicant notes with appreciation that the Examiner has initialed the form 1449 with references cited thereon and returned a copy of the initialed form.

c. Applicant has amended the specification to add a summary section and thus believes the Examiner objection to the specification has been successfully traversed and therefore respectfully requests that the Examiner reconsider and withdraw the objection to the specification. Applicant will review the specification with respect to use of "Bluetooth" and make appropriate amendments in future office actions.

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- d. Applicant is familiar with the inventorship amendment provisions of 37 CFR 1.48(b) and the requirement that all named inventors be an inventor of at least one claim in the application, but appreciates the Examiner's reminder.
- e. Pursuant to the requirement under 35 CFR §1.143, Applicant provisionally elects (elects with traverse) the invention defined by claims 1-7 and 15-22 and requests reconsideration / withdrawal of the restriction requirement pursuant to the provisions of that section. Applicant further respectfully submits that claims 1-22 concern the same invention albeit with differing scope.
- f. The present application concerns apparatus and methods for controlling access to services available from a communication unit. The application discloses and discusses various embodiments of the invention, such as systems and communications units as portrayed generally by FIG. 2 as well as various methods as portrayed by one or more of FIG. 3 - FIG. 5. The claimed invention is defined in varying scope by the independent claims 1, 8, and 15 as well as associated dependent claims.
- g. The Examiner has concluded that the various embodiments portrayed by these figures and as claimed are patentably distinct inventions and issued a restriction requirement in accordance with 35 U.S.C. §1.121 ("If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions") requiring that Applicant make at least a provisional election of the inventions defined by claims

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1-7 and 15-22 or claim 8-14. Applicant has complied (electing with traverse claims 1-7 and 15-22) with these requirements in accordance with 37 CFR §1.143 at paragraph e. above.

h. Applicant respectfully disagrees with the Examiner's issuance of a restriction requirement. Applicant respectfully submits that independent claim 1 directed to a system (described and discussed as a portion of the communication unit of FIG. 2) and independent claim 8 directed to a communication unit (FIG.2) merely define one invention in varying scope, are nearly identical, and will necessitate a nearly identical search.

The system defined by claim 1 and communication unit defined by claim 8 includes nearly identical elements. The communication unit explicitly includes an interface, e.g., user interface, configured to provide "a request for access to services", while both claims recite a processor that is responsive to the request for access to services and are otherwise identical.

Applicant further respectfully notes that MPEP §803 indicates that:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Applicant respectfully submits that a search and examination of the entire application (claims 1-22) is not an incrementally serious burden over a search and examination of, for example, claims 1-7 and 15-22 and thus a restriction requirement in this instance is improper.

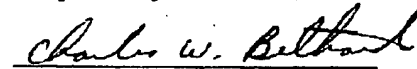
Thus, given the claims do not define independent and distinct inventions as well as the absence of serious incremental burden, Applicant requests that the Examiner reconsider and withdraw this restriction requirement and examine the application on the merits.

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Such examination is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable since this response is being timely filed within the allowed one month time period, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,



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